



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

Via Email: 78496-46262737@requests.muckrock.com

SEP 27 2019

Mr. Sai
MuckRock News
DEPT MR 75095
411A Highland Avenue
Somerville, MA 02144-2516

Re: Freedom of Information Act Tracking Number **19-10258-F**

Mr. Sai,

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Veterans Affairs (VA) dated August 4, 2019, in which you are seeking:

- Chief FOIA Officers' desktops; Chief Privacy Officer, and any substantially equivalent component official the entire content of a) the Officer's physical desktops, i.e. everything on the actual desk(s) where they work, including all other office surfaces, e.g. cabinets, tables, in/out boxes, shelves, etc in the Officer's office(s). Excluding: i) computers (including desktop, laptop, and phone); ii) USB drives; iii) generic office supplies, i.e. any item that could be purchased off the shelf at a store such as Office Depot in identical form by a member of the general public; iv) tear-off daily flip calendars; v) purely personal capacity items; vi) keys; vii) anything within a fully enclosed hard sided container (e.g. exclude the contents of a desk/cabinet drawer, lockbox, or picture frame — but envelopes laying on a desk [and their contents], items in open-ended organizers, etc are not excluded); viii) books or hard-bound booklets, except for the front and back covers; and ix) CDs or DVDs, except for the label (i.e. what is captured when you place the disc on a flatbed scanner); and formatted as 600 DPI color scans to PDF, one PDF per item (named logically based on the item), run through Adobe Acrobat Pro's "enhance scanned PDF" tool with the settings: * recognize text on; * all pages; * apply adaptive compression: grayscale JPEG2000, monochrome JBIG2 (lossless), maximum quality; * output: searchable image, document language set to the document's actual language; * filters: deskew on, background removal off, descreen off, text sharpening off; and
- The Officer's computer desktop(s), i.e. the "desktop folder" of their account on every computer that they use in official capacity in the exact original file format as stored on the computer, encapsulated into a .ZIP or .TAR.GZ archive set to preserve all metadata and folder structure; as the above exist at the time anyone in the component first learns of this request. (i.e., no clearing out the desk before searching it. You may of course continue to use the office normally, but this request creates a hold for its exact content at that one snapshot in time.)
- For hold preservation validation purposes, please take and provide digital photos of the Officer's entire office, showing all items in plain view at the time this request was received. The search time for this request should be zero, since all responsive records are literally already in plain view of the Officer's office.

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The FOIA Service received your request on August 5, 2019, and assigned it FOIA tracking number **19-10258-F**. Please refer to this number when communicating with the VA about this request.

You have been placed in the "news media" category, which means the requester is responsible for the fees associated with duplication, excluding the cost of the first 100 pages, which are free.

The Chief FOIA Officer and the Chief Privacy Officer concluded that you failed to reasonably describe the actual records or documents in possession of the agency. Although it is very specific in its location, there is no description of what documents you are requesting.

Moreover, case law supports that we are not required to create records, which is what you are asking us to do (i.e. photos formatted for pdf at a certain DPI). We therefore, do not have any records to release in response to this request. This is a no records response.

You have the right to appeal this response within 90 days of the date of this communication if you do not agree with this determination.

You may appeal in writing to:

Department of Veterans Affairs
General Counsel (024)
810 Vermont Avenue
Washington, DC 20420

You may also submit your appeal via facsimile to (202) 273-6388 or via email to ogcfoiaappeals@va.gov. If you do appeal this determination, you must specify which part of the determination you are appealing. Please include a copy of your request and my letter with your appeal, and clearly state why you disagree with this determination. If you mail your appeal, both the front of the envelope and the letter should be clearly marked "FOIA Appeal". Please also include a daytime telephone number in case the Office of General Counsel needs additional information.

As an alternative to submitting an appeal, you may contact the VA FOIA Public Liaison, which was created to offer mediation services to resolve disputes between FOIA requesters and the VA. Using the VA FOIA Public Liaison does not affect your right to appeal.

You may contact the VA FOIA Public Liaison at:

Department of Veterans Affairs
VA FOIA Public Liaison (005R1C)
810 Vermont Ave., NW
Washington, DC 20420
Email: vacofoiaservice@va.gov
Telephone: (877) 750-3642
Fax: (202) 632-7581

As another alternative to submitting an appeal, you may also contact the Office of Government Information Services (OGIS) whom was created to offer mediation services to resolve disputes between FOIA requesters and Federal Agencies. Using OGIS does not affect your right to appeal. You may contact OGIS in any of the following manners:

Office of Government Information Services
National Archives & Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
Email: ogis@nara.gov
Phone: (202) 741-5770
Toll-free: 1-877-684-6448
Fax: (202) 741-5769

This concludes the FOIA Service's response to your request.

We appreciate your interest in the VA. If you have any questions concerning this letter, you may contact Jacqueline Short, of my staff at 202-632-7426.

Sincerely,



Ms. Doloras Johnson
Director, VACO FOIA Service
Quality, Performance, and Risk (QPR)
Office of Information and Technology (OIT)